

AT THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF MISSISSIPPI

Marshall Fisher (Mississippi Commissioner
of Public Safety), Herb Frierson (Mississippi
Commissioner of Revenue), Jim Hood
(Mississippi Attorney General), Marvin
Vaughn

Plaintiffs

vs.

Tracy Arnold,
Respondent

Cause #

Jury NOT requested by Tracy:
*"Deuteronomy 25:1: If there be a
controversy between men, and they come
unto judgment, that the judges may judge
them; then they shall justify the righteous,
and condemn the wicked."*

RESPONDENT'S NOTICE OF
REMOVAL

RESPONDENT FILES THIS NOTICE OR REMOVAL UNDER 28 USC
§1446(A).

1. INTRODUCTION

1 1.1 . Plaintiff is Marshall Fisher, Mississippi Commissioner of Public Safety, who can be
2 served process at 1900 East Woodrow Wilson Avenue Jackson, Ms 38216 or Po
3 box 958 Jackson 39205.
4 1.2 . Plaintiff is Herb Frierson, Mississippi Commissioner of Revenue, who can be served
5 at Po box 22828 Jackson ms 39215.
6 1.3 . Plaintiff is Jim Hood, Mississippi Attorney General, who can be served at P.O. Box
7 220, Jackson, MS 39205.
8 1.4 . Plaintiff is Marvin Vaughn, Mississippi State Trooper, who can be served at
9 22000A Highway 35 North, Batesville, MS 38930.
10 1.5 . Respondent is Tracy Arnold, Pro Se, who is not a resident of Mississippi nor is
11 Tracy domiciled in Mississippi. Tracy sojourns near and far from Adamsville Ten-
12 nessee and can be reached by postal service at 1400 Harris Rd Adamsville Tennes-
13 see [38310].



1 1.6 . On August 18, 2018 plaintiffs sued respondent in the Clarksdale Mississippi Justice
2 Court for "B51 no driver's license / expired" of "23 CFR Ch. 3 Part 1327 appendix A" established under 49 USC 30301.
3

4 1.7 . Respondent was served with notice of the suit on August 18, 2018. Respondent
5 files this notice within the 30-day time period required by 28 USC §1446(b)(1).

2. BASIS FOR REMOVAL

6 2.1 . Removal is proper because plaintiff's suit is civil in nature and involves a federal
7 question see 28 USC §§1331, 1441(a).

8 2.2 . Copies of all pleadings, process, orders, and other filings in the state-court suit are
9 attached to this notice as required by 28 USC §1446(a).

10 2.3 . Venue is proper in this district under 28 USC §1441(a) because the state court
11 where the action has been pending is located in this district.

12 2.4 . Respondent will promptly file a copy of this notice of removal with the clerk of the
13 state court where the suit has been pending.

14 2.5 . There are no State of Mississippi issues on the face of the suit.

15 2.6 . Tracy Arnold, is the only named Respondent in this instant suit.

3. FACTS

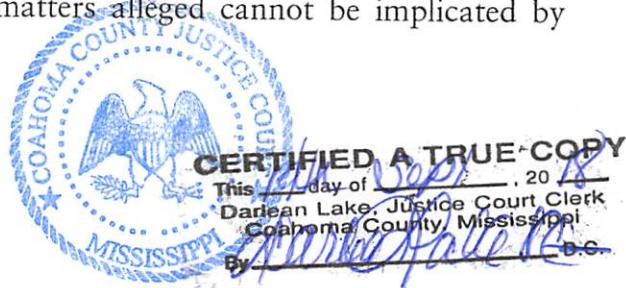
3.1 . ON THE FACE OF THE COMPLAINT

16 3.1.1 . Plaintiff raises a federal question on the face of the complaint. The offense alleged
17 arises under 23 CFR Ch. 3 Part 1327 appendix A Part 1.

18 3.1.2 . The Mississippi Supreme Court has already ruled that everything on the face of
19 the ticket fully informs the Respondent. (see Wheeler v. Stewart, 798 So. 2d 386
20 (Miss. 2001))

21 3.1.3 . The only thing on the face of the Ticket is federal regulation.

22 3.1.4 . Pursuant to United States v. Hess the matters alleged cannot be implicated by



1 recital or implication and there is nothing on the face of the complaint other than
2 federal questions.

3 3.1.5 . Pursuant to United v. Mersky when the regulation and statute are inextricably in-
4 tertwined strict construction of the statute is required which ties 23 CFR Ch. 3
5 Part 1327 to 49 U.S.C chapter 303.

6 3.1.6 . If it not be commerce, Congress has no concern with it. (see 22 U.S. 1, Gibbons v.
7 Ogden)

8 3.1.7 . Every code printed on the face of the Mississippi Traffic Ticket are federal record
9 keeping codes used by the National Driver Register Advisory Committee (see 49
10 U.S.C. 30306) who is the AAMVA(American Association of Motor Vehicle Ad-
11 ministrators), to communicate convictions and for cause withdrawals, already
12 completed, to the NDR(National Driver Register) and other participating states.
13 (see 23 CFR Ch. 3 Part 1327 appendix A, Part 1 and 2)

14 3.1.8 . The Offenses alleged on the face of the complaint are not found within Missis-
15 sippi Code or Mississippi Administrative Code.

16 3.1.9 . The B51 is merely a Dictionary Code used to communicate to the NDR and other
17 states for cause withdrawals.

18 3.1.10 . The B51 provides no facts or circumstances to constitute contents of an affi-
19 davit.

20 3.1.11 . Title 23 CFR Ch. 3 Part 1327.5(2) defines Appendix A Part 1 for cause with-
21 drawals as motor vehicle operator's license that have been denied, canceled, re-
22 voked, or suspended for cause.

23 3.1.12 . The State of Mississippi is a participating state in the NDR under 49 USC 30303
24 [Title 49 -Transportation Subtitle VI-Motor Vehicle and Driver Programs Part A-
25 General Chapter 303- National Driver Register].

26 3.1.13 . Title 23 CFR Ch. 3 Part 1327 is regulation to implement law passed by Con-
27 gress see 49 U.S.C. Chapter 303.



1 3.1.14 . Title 31 Miss. Code. R. Part 1 Rule 10.13 states the following and is authorized
2 by Miss. Code §§ 45-1-3, 63-1-201:

3 1. The State of Mississippi, Department of Public Safety, is mandated by federal law
4 to develop and implement a subsystem of the driver license system called the "Prob-
5 lem Driver Pointer System" (PDPS). This system will allow us to send "interactive"
6 inquiries to the National Driver Register (NDR) for all drivers. The NDR houses in-
7 formation about all problem drivers (suspensions, revocations, etc.) in every state.
8 Currently we can only send and receive interactive inquiries to the NDR on CDL driv-
9 ers through the CDLIS System (a vital part of the driver license system). Other states
10 are currently active PDPS States and have been for some time now. The Problem
11 Driver Pointer System will go into production on January 2, 1995 for the State of
12 Mississippi. 2. As part of the licensing process, we are required to make an inquiry to
13 the NDR/PDPS on first time non-minimum age drivers (all originals). If the inquiry re-
14 sponse returns "possible matches", you must determine if the applicant and the in-
15 quiry response information are the same individual. If they are, "DO NOT LI-
16 CENSE". The information you receive will contain each state, the state address, and
17 phone number that may have an outstanding action against that driver. It is the
18 driver's responsibility to resolve the issue with each state.

19 3.1.15 . Plaintiff's federal-question arises under the commerce clause of the US Constitu-
20 tion.

4. IF IT NOT BE COMMERCE, CONGRESS HAS NO CONCERN WITH IT

21 4.1 . Title 6 CFR Ch. 1 Part 37 regulates the application and documents the applicant
22 must provide, document verification requirements, physical features, surface and
23 other aspects of the Drivers License and Identification Card.

24 4.2 . Title 6 CFR is the Executive implementation of 49 U.S.C. Chapter 303, specifically
25 for Drivers Licenses and Identification Cards.

26 4.3 . Title 23 CFR Chapter 3 is the Executive implementation of 49 U.S.C. Chapter 303,
27 specifically for procedures for participating in and receiving information from the
28 national driver register problem driver pointer system.

29 ((p206)Congress may control the State laws so far as it may be necessary to
30 control them for the regulation of commerce.(p210) ..That regulation is de-



1 signed for the entire result,... It produces a uniform whole...") Gibbons v. Ogden
2 22 U.S. 1

3 Congress is powerless to regulate anything which is not commerce CARTER v.
4 CARTER COAL CO. ET AL. HELVERING, 56 S. Ct. 855, 298 U.S. 238 (U.S.
5 05/18/1936)

6 4.4 . Plaintiff Marvin Vaughn at the stop alleged Tracy Arnold must have a "driver's li-
7 cense" for the mere use of the roads.

8 4.5 . Plaintiff Marvin Vaughn did not attempt to find whether Tracy Arnold was en-
9 gaged in interstate or intrastate commerce.

10 4.6 . Tracy Arnold is not a resident of Mississippi.

11 4.7 . Tracy Arnold is not domiciled in Mississippi.

12 4.8 . Mississippi Code Reciprocity 27-19-143 states: "...through their respective en-
13 forcement divisions, concerning the operation of all motor vehicles, properly regis-
14 tered in such other state upon and over the public highways of the State of Missis-
15 sippi, in foreign or interstate commerce, without the payment of the privilege li-
16 cense tax provided for in this article, provided that the state with which such
17 agreement is entered into extends like privileges to vehicles properly registered in
18 the State of Mississippi;"

19 "The essential elements of the definition of privilege is occupation and business,
20 and not the ownership simply of property, or its possession or keeping it. The tax
21 is on the occupation, business, pursuits, vocation, or calling, it being one in which
22 a profit is supposed to be derived by its exercise from the general public, and not a
23 tax on the property itself or the mere ownership of it." "The legislature cannot,
24 under our constitution, declare the simple enjoyment, possession, or ownership of
25 property of any kind a privilege, and tax it as such. It may declare the business,
26 occupation, vocation, calling, pursuit, or transaction, by which the property is put
27 to a peculiar use for a profit to be derived from the general public, a privilege and
28 tax it as such, but it cannot tax the ownership itself as a privilege. The ownership
29 of the property can only be taxed according to value.") Phillips v. Lewis, 3 Shann.
30 Cas. 231

31 4.9 . Tracy Arnold alleges the Driver's License in black letter law is a tax receipt and per-
32 mission to engage in for profit activity affecting a public interest, in interstate or

CERTIFIED A TRUE COPY
This 19 day of Sept, 2018
Darlean Lake, Justice Court Clerk
Coahoma County, Mississippi
By ADOLPHUS LEE D.C.



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This 19 day of Sept, 2018
Darlean Lake, Justice Court Clerk
Coahoma County, Mississippi

intrastate commerce. Its provisions and regulations are dominated by Congress and if it is not be commerce then Congress has no concern with it. The Executive Branch and Judicial Branches of Mississippi have misapprehended the law as passed by the Mississippi Legislature and in place of the law, the executive branch has resurrected and enforced Chief Justice Taney's Dred Scott decision on all races alike not just the 'slave races' as Taney put it.

((412) "....to treat them as an inferior class, and to subject them to strict police regulations, drawing a broad line of distinction between the citizen and the slave races,....(414)... is also a provision by which any negro, Indian, or mulatto servant who was found wandering out of the town or place to which he belonged without a written pass such as is therein described was made liable to be seized by anyone, and taken before the next authority to be examined and delivered up to pay the charge which had accrued thereby. And..... provides that if any free negro shall travel without such pass, and shall be stopped, seized, or taken up, he shall pay all charges arising thereby. And this law was..... associated with servants and slaves in the police regulations established by the laws of the State...(416)... For if they were so received, and entitled to the privileges and immunities of citizens, it would exempt them from the operation of the special laws and from the (417) regulations which they considered to be necessary for their own safety. It would give to persons of the negro race, who were recognised as citizens in any one State of the Union, the right to enter every other State whenever they pleased, singly or in companies, without pass or passport, and without obstruction, to sojourn there as long as they pleased, to go where they pleased at every hour of the day or night without molestation, unless they committed some violation of law for which a white man would be punished; and it would give them the full liberty of speech in public and in private upon all subjects upon which its own citizens might speak; to hold public meetings upon political affairs, and to keep and carry arms wherever they went. And all of this would be done in the face of the subject race of the same color, both free and slaves, and inevitably producing discontent and insubordination among them, and endangering the peace and safety of the State.")
Scott v. Sandford, 60 U.S. 393, 19 How. (1856)

5. PLAINTFF'S SUIT AGAINST TRACY ARNOLD IS CIVIL IN NATURE

5.1 . The Mississippi Misdemeanor Traffic Ticket is not governed by Mississippi Criminal Rules of Procedure see MRCrP 3.1(c) comments. "these rules do not apply to



CERTIFIED A TRUE COPY
 This 14 day of September, 2018
 Darlean Lake, Justice Court Clerk
 Coahoma County - Mississippi
 By Musayelle S. R.

1 traffic misdemeanors and misdemeanor traffic tickets are governed by statute MS
2 Code § 63-9-21”

3 5.2 . MS Code § 63-9-21 reads "the ticket shall include information that will constitute
4 a complaint charging the offense for which the ticket was issued..."

5 5.3 . Mississippi has no rules in Mississippi Code or Administrative Procedure providing
6 any procedure for challenging the misdemeanor traffic tickets.

7 5.4 . Mississippi has no rules in Mississippi Code or Administrative Procedure for any
8 probable cause determination or evidence required for the misdemeanor traffic
9 tickets.

10 5.5 . Mississippi has no rules or procedure in Mississippi Code, Administrative Code or
11 Criminal Rules providing the procedure for appealing misdemeanor traffic tickets
12 from Municipal or Justice Courts.

13 5.6 . Tracy Arnold did not operate a motor vehicle.

14 5.7 . Tracy Arnold did not engage in any privilege.

15 5.8 . The privilege of operating a motor vehicle requires using the roads for livelihood or
16 gain and affecting a public interest.

17 5.9 . If it is false that the Driver's License is the permission to engage in interstate or in-
18 trastate commerce then the Driver's License is a resurrection of Chief Justice
19 Taney's Dred Scott decision and without the Driver's License/ Mere Pass for
20 Travel, Tracy Arnold will continue to be stopped, seized, taken up and shall pay
21 all charges arising thereby and Tracy Arnold will continue to be treated as an infe-
22 rior class because Tracy's truly and sincerely held religious beliefs forbid her from
23 committing fraud upon the state.

24 (“But, when no trade is carried on, or intended to be carried on, under the license,
25 it is clear that the license is a fraud upon the State law, if that law is in other re-
26 spects valid.”) Gibbons v. Ogden, 22 U.S. 1, (U.S. 3/2/1824).

27 5.10 . This is blatant discrimination by unconstitutional application of general revenue



1 taxes on interstate or intrastate commerce against Tracy Arnold using the roads
2 not involved in commerce.

3 5.11 . This instant suit is a general revenue tax dispute and the driver's license is a state-
4 wide license and is a permission to engage in the business designated.

5 "A license confers a privilege, and makes the doing of something legal, which, if
6 done without it, would be illegal...Calling the tax receipt a "license" and the tax a
7 "license tax" does not confine the lawful authority to transact this business to
8 those who have paid the tax and procured the "license" any more than an ordinary
9 tax on property creates a right or authority to own property. A license is a
10 police regulation controlling the exercise of a profession, business or occupation."
11 FLANIGAN v. SIERRA COUNTY., 25 S. Ct. 314, 196 U.S. 553

12 5.12 . Plaintiff seeks to establish a civil in nature debtor-creditor relationship with re-
13 spondent.

14 2017 Mississippi Code Title 85 - Debtor-Creditor Relationship Chapter 13 - Auto-
15 mated Data Match System for Identifying and Seizing Financial Assets of Obligors
16 Identified by Department of Revenue § 85-13-1. Definitions as used in this chapter:
17 (a) "Commissioner" means the Commissioner of Revenue of the Mississippi
18 Department of Revenue. (b) "Department" means the Mississippi Department of
19 Revenue. (c) "Finally determined tax liabilities" means any state tax, fee, penalty,
20 and/or interest owed by a person to the department where the assessment of the li-
21 ability is not subject to any further timely filed administrative or judicial review.
22 Miss. Code. 85-13-1(c)

6. JURY DEMAND

23 6.1 . Plaintiff did not demand a Jury in the state-court suit.

24 6.2 . Respondent does not request a Jury.

CONCLUSION

25 1. There is no state B51 No Drivers License and the only B51 No Drivers License known
26 to the Respondent is found at 23 CFR Ch. 3 Part 1327 Appendix A Part 1- For
27 Cause Withdrawals. The AAMVA codes contain no facts for circumstances and
28 provide plaintiffs no cause action in State Court.



1 2. There is no state cause of action alleged in the suit therefore respondent removes this
2 case to the United States District Court for the Northern District of Mississippi as
3 the allegations on the face of the complaint are federal in nature.

4 3. The Mississippi Criminal Rules do not apply to misdemeanor traffic tickets see MR-
5 CrP 3.1(c), No procedure for challenging the misdemeanor traffic tickets are set
6 out in Mississippi Code or Mississippi Administrative Code. The B51 No Drivers
7 License imposes no duty on Tracy and is not a criminal penalty provision.

8 Wherefore, Tracy Arnold requests that this Honorable Court to remove this suit to the
9 United States District Court for Northern Mississippi.

Tracy Arnold 9/3/18
Tracy Arnold, Respondent (Pro Se)
1400 Harris Rd Adamsville Tennessee 38310
Telephone:(423)529-4323
Tracy.Arnoldnet.org

Brian 9/3/18
Peri Thornton 9-13-18 Witnesses

"... ... (A)t the mouth of two witnesses, or at the mouth of three witnesses, shall
the matter be established." Deuteronomy 19:1



CERTIFIED A TRUE COPY
This _____ day of _____, 20_____
Danean Lake, Justice, Court Clerk
Coahoma County, Mississippi
By _____ D.C.
[Handwritten signature over the stamp]